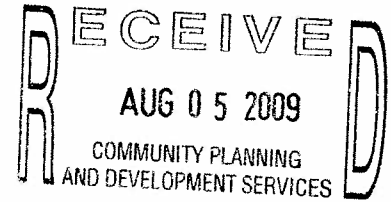




ATTORNEYS

STUART R. BARR
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August 5, 2009

BY E-MAIL AND HAND-DELIVERY

Mr. James Wasilak
Mr. Deane Mellander
City of Rockville Planning Department
111 Maryland Avenue
Rockville, Maryland 20850

Re: Comments on Zoning Text Amendment TXT2009-00221
National Lutheran Home & Village at Rockville, Inc.
9701 Veirs Drive, Rockville, MD 20850-3462

Dear Jim and Deane:

On behalf of our client, National Lutheran Home & Village at Rockville, Inc. ("NLH"), a non-profit continuing care retirement community (life care facility) located within the City of Rockville, we would like to offer the following comments on Zoning Text Amendment TXT2009-00221.

Section 25.05.03. Public Notification. Section d. Signs.

NLH fully supports extending the distance between public notification signs from 250 feet to 750 feet. For its most recent application, NLH posted 12 signs to comply with the 250 foot requirement, which is excessive. A 750 foot distance between signs is much more appropriate and will adequately provide notice. We note that it makes sense to change the other "250 feet" reference in that sentence to 750 feet also (i.e., the sentence should read "If the property boundary line is more than 750 feet long, one (1) sign is required every 750 feet").

Section 25.07.09. Special Exceptions. Section p. Subsequent Site Plan Review.

This section appears to suggest that an applicant who must receive both special exception and site plan approvals cannot proceed with the site plan review and approval process until after receiving special exception approval. The special exception and site plan application materials and review procedures are virtually identical. It does not make sense, and would be a waste of City and applicant time and resources, to require an applicant to submit duplicate applications, conduct repetitive community area meetings, and attend additional Development Review Committee meetings if the special exception and site plan application materials and plans are the same. When the plans and application materials are not changing materially from the special exception stage to the site plan stage, the Chief of Planning should have the authority and the discretion to consolidate the two processes or condense the site plan review process or allow the site plan review

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process to proceed prior to final special exception approval, whatever is appropriate under the circumstances. For example, community area meetings should not need to be repeated, pre-application requirements (Development Review Committee meetings and pre-application submissions) should be eliminated or reduced, and application materials that do not change should not have to be resubmitted.

Section 25.16.03.d. Parking Standard for Life Care Facility Use.

NLH supports the proposed parking standard for the Life Care Facility Use with respect to independent living units. This standard (1 space for every dwelling unit) makes sense and far more accurately reflects the parking needs of today's senior adults when compared with the existing standard (1 space for every three dwelling units).

The proposed parking standard for the assisted living and nursing care portion of Life Care Facility Use should be modified. The proposed standard depends on the gross square footage of the floor area. Based on our research, experience, and analysis, it makes more sense to calculate the parking space requirement based on the number of nursing or assisted living beds and the number of employees on the largest work shift. The widely accepted standard that is used in many other jurisdictions is 1 space for every four beds plus 1 space for every employee on the largest work shift (please see the attached letter from Reese Lower Patrick & Scott, Ltd.). When compared with other possible standards, we think this is the most reasonable standard.

NLH opposes the bicycle parking space requirement for Life Care Facility Use. The independent living dwelling units, on which the bicycle parking space requirements are based, are spread out over the NLH campus. It doesn't make sense to require a centralized bicycle parking space facility for dwelling units that are spread out over a large area. NLH has never had, and does not anticipate, any demand for bicycle parking facilities on its campus, particularly any "short term space" facilities. These types of facilities are unnecessary and would go unused.

If you have any questions about these comments, please do not hesitate to call us. Thank you very much for your consideration.

Very truly yours,



Stuart Barr

Attachment, as described

Cc (by e-mail): NLH team



July 22, 2009

Mr. Stuart R. Barr
Lerch, Early & Brewer, Chtd.
3 Bethesda Metro Center
Suite 460
Bethesda, MD 20814-5367

Re: National Lutheran Home
Nursing Facility Additions and Renovations

Dear Mr. Barr:

Per your request, we have researched several comparable continuing care retirement communities (CCRC's) that provide skilled care nursing services on their campus and offer the following information:

Williamsburg Landing, Inc.
Williamsburg, VA

1 Parking space per 4 nursing beds + 1 space
for every employee on the largest shift.

Falcons Landing
Sterling, VA

1 Parking space per 3 nursing beds + 1 space
for every employee on the largest shift.

Providence Point
Pittsburgh, PA

1 Parking space per 4 nursing beds + 1 space
for every employee on the largest shift.

We have been associated with over 75 CCRC's nationally and can report that the ratio of 1:3 or 1:4 spaces per bed + a parking space for every employee on the largest shift is an accepted standard for most municipalities. These ratios and requirements were designed to address the parking deficits experienced during the major shift changes.

Please let us know if we can be of further assistance.

Sincerely,

Gregory J. Scott, AIA
Partner

jks

cc: Gregory J. Scott
File 2007037

R E E S E L O W E R P A T R I C K & S C O T T , L T D.

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Partners: James D. Reese, AIA Gregory J. Scott, AIA Craig H. Walton, AIA David D. Lobb, AIA John F. Holliday, Jr., AIA
Craig P. Kimmel, AIA Eric S. McRoberts, AIA Sandra M. Reese Michael J. Martin, AIA Robert E. Patrick, AIA Retired George R. Lower, AIA Retired